

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

DESHAUN SMITH,

Plaintiff,

VS.

SEARS HOLDINGS CORPORATION,

Defendant.

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CIVIL ACTION NO. G-09-061

ORDER OF DISMISSAL

Counsel for the parties have advised the court that an amicable settlement has been reached in this action. This case is dismissed on the merits, without prejudice to the right of counsel to move for reinstatement within 60 days on presentation of adequate proof that the settlement could not be consummated. All motions currently pending are denied without prejudice. Any movant seeking to resubmit or reurge those motions must do so within 14 days from the date any motion for reinstatement is filed.

The court appreciates the prompt notification of settlement.

SIGNED on June 7, 2010, at Houston, Texas.



Lee H. Rosenthal
United States District Judge